

SECOND REGULAR SESSION, 1990

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A BILL FOR AN ACT

To expand the right of the Commonwealth government to an appeal in criminal cases and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Amendment. Division 8 of Title 6 is  
2 hereby amended to read as follows:

3                           "Division 8. Appeals.

4           Section 8101. Right of Commonwealth to Appeal.

5                           (a) In a criminal case, the Commonwealth  
6 government shall have the right to appeal when a  
7 written enactment intended to have the force and  
8 effect of law has been held invalid.

9                           (b) In a criminal case an appeal by the  
10 Commonwealth government shall lie to the Supreme  
11 Court from a decision, judgment, or order of the  
12 Superior Court dismissing an information or  
13 granting a new trial after verdict or judgement, as  
14 to any one or more counts, except that no appeal  
15 shall lie where the double jeopardy clause of the  
16 Commonwealth Constitution prohibits further  
17 prosecution.

18                           An appeal by the Commonwealth government shall  
19 lie to the Supreme Court from a decision or order

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1 of the Superior Court suppressing or excluding  
2 evidence or requiring the return of seized property  
3 in criminal proceeding, not made after the  
4 defendant has been put in jeopardy and before the  
5 verdict or finding on an information, if the  
6 Attorney General certifies to the Superior Court  
7 that the appeal is not taken for purpose of delay  
8 and that the evidence is a substantial proof of a  
9 fact material in the proceeding.

10 An appeal by the Commonwealth government shall  
11 lie to the Supreme Court from a decision or order,  
12 entered by the Superior Court, granting the release  
13 of a person charged with or convicted of an  
14 offense, or denying a motion for revocation of, or  
15 modification of the conditions of, a decision or  
16 order granting release.

17 The appeal in all such cases shall be taken  
18 within thirty days after the decision, judgment or  
19 order has been rendered and shall be diligently  
20 prosecuted.

21 The provisions of this section shall be  
22 liberally construed to effectuate its purpose.

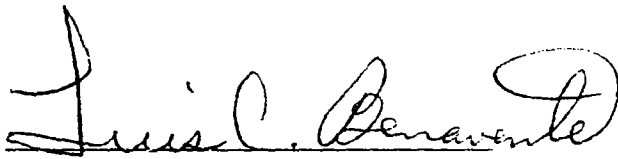
23 (c) If the Commonwealth government has  
24 appealed in a criminal case, the Supreme Court may  
25 not reverse any finding of not guilty.


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1           Section 2. Severability. If any provision of this act  
2 is held invalid by a Court competent jurisdiction the  
3 remainder of this act shall not be affected thereby.

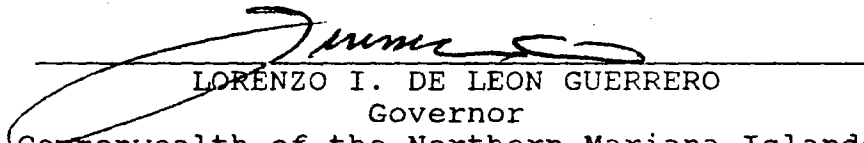
4           Section 3. Effective Date. This Act shall take effect  
5 upon its approval by the Governor or upon its becoming law  
6 without such approval.

CERTIFIED AND ATTESTED TO BY:

  
LUIS C. BENAVENTE  
Acting Speaker

  
JOAN P. KAIPAT  
Acting House Clerk

APPROVED this 12<sup>th</sup> day of JANUARY, 1991

  
LORENZO I. DE LEON GUERRERO  
Governor  
Commonwealth of the Northern Mariana Islands